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10 UNITED STATES DISTRICT COURT
 11 CENTRAL DISTRICT OF CALIFORNIA
 12 WESTERN DIVISION

13 PERFECT 10, INC., a California
 14 corporation,

15 Plaintiff,

16 v.

17 GIGANEWS, INC., a Texas Corporation;
 18 LIVEWIRE SERVICES, INC., a Nevada
 corporation; and DOES 1 through 100,
 inclusive,

19 Defendants.

20
 21 GIGANEWS, INC., a Texas Corporation;
 22 LIVEWIRE SERVICES, INC., a Nevada
 Corporation,

23 Counterclaimants,

24 v.

25 PERFECT 10, INC., a California
 Corporation,

26 Counterdefendant.
 27
 28

Case No.: 11-cv-07098-AB (SHx)

**~~[PROPOSED]~~ JUDGMENT IN
 FAVOR OF DEFENDANTS
 GIGANEWS, INC. AND
 LIVEWIRE SERVICES, INC.**

Courtroom: 790 (Roybal)
 Judge: Hon. André Birotte, Jr.

On November 14, 2014, the Court granted summary judgment in favor of Defendants Giganews, Inc. and Livewire Services, Inc. on the issues of direct, contributory and vicarious copyright infringement, completely resolving the action. *See* Dkt. 619, 620, and 621. The Court now issues a final judgment on all of Plaintiff's claims, particularly including the following, as well as the related counterclaims by Defendants:

1. **Trademark.** Plaintiff's claims of direct trademark infringement, secondary trademark infringement, and trademark dilution, against both Defendants (Dkt. 1) are dismissed. Dkt. 97 at 19-22.
2. **Right of Publicity.** Plaintiff's claims against both Defendants under California law for violation of the rights of publicity (Dkt. 1) are dismissed. Dkt. 97 at 22-24.
3. **California Unfair Competition.** Plaintiff's state-law claims against both Defendants for violation of the California Unfair Competition Law (Dkt. 1) are dismissed. Dkt. 97 at 22-24.
4. **Direct Copyright Infringement.** Plaintiff's claims of direct copyright infringement by Defendants Giganews and Livewire (Dkt. 1 and 105) are dismissed. Dkt. 97 at 7-13; Dkt 619.
5. **Contributory Copyright Infringement.** Plaintiff's claims of contributory infringement against both Defendants (Dkt. 1 and 105) are dismissed. Dkt. 129 at 4-5; Dkt. 620.
6. **Vicarious Copyright Infringement.** Plaintiff's claims of vicarious infringement against Defendants Giganews and Livewire (Dkt. 1 and 105) are dismissed. Dkt. 129 at 5-6; Dkt. 620.

The Court **GRANTS FINAL JUDGMENT** in favor of Defendants and against Plaintiff Perfect 10 as to all the claims by Plaintiff in the case. ~~Plaintiff shall take nothing.~~ Furthermore, the Court **GRANTS FINAL JUDGMENT** in favor of Counterclaimants and against Counter-Defendant Perfect 10 in conjunction

1 with the counterclaims for declaratory relief. The Court **DECLARES** that
 2 Defendants did not infringe any of Perfect 10's copyrights, either directly or
 3 indirectly, and thus are not liable for direct infringement, contributory infringement
 4 or vicarious infringement. The Court also **DECLARES** that Defendants Giganews
 5 and Livewire bear no liability to Perfect 10 for any asserted cause of action.

6 As the prevailing parties in this litigation, Defendants Giganews and
 7 Livewire are entitled to recover costs. Fed. R. Civ. P. 54(d)(1); Civ. L.R. 54-1. In
 8 accordance with Local Rule 54-2, Defendants shall file their Notice of Application
 9 to the Clerk to Tax Costs and Proposed Bill of Costs within fourteen (14) days after
 10 the entry of this judgment. ~~Fees and expenditures taxable as costs may include all~~
 11 ~~items identified under 28 U.S.C. § 1920 or Civil Local Rule 54-3. See Civ. L.R.~~
 12 ~~54-3.1-13.~~

13 Defendants Giganews and Livewire may seek reimbursement of their
 14 reasonable attorneys' fees to the extent allowed by 15 U.S.C. § 1117, 17 U.S.C.
 15 § 505, Cal. Civ. Code § 3344, or any other applicable law. The Court exercises its
 16 discretion under Civil Local Rule 54-10 to extend the time within which
 17 Defendants may bring a motion for attorneys' fees. *See* Civ. L.R. 54-10 ("Any
 18 motion or application for attorneys' fees shall be served and filed within fourteen
 19 (14) days after the entry of judgment or other final order, *unless otherwise ordered*
 20 *by the Court.*") (emphasis added). In light of the duration, number, volume, and
 21 complexity of proceedings and filings in this case, the Court **EXTENDS THE**
 22 **TIME** for Defendants to serve and file any motion or application for attorney's fees
 23 until 28 days following entry of this judgment. **Should Defendants bring a**
 24 **motion for attorneys' fees, they shall serve it with sufficient notice to permit**
 25 **Plaintiff 14 days to oppose the motion.**
 26 **IT IS SO ORDERED.**

27 Dated: November 26, 2014



ANDRÉ BIROTTE JR.
United States District Court Judge